

HOUSE BILL 411

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By: **Delegate Kach**

Introduced and read first time: January 29, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Statewide Advisory Commission on Immunizations – Membership, Sunset**
3 **Extension, and Study of HPV Vaccine**

4 FOR the purpose of adding a consumer member to the Statewide Advisory
5 Commission on Immunizations; extending the termination date of the
6 Commission; requiring the Commission to study the safety of the human
7 papillomavirus (HPV) vaccine; requiring the Commission to include certain
8 components in the study, determine the need for certain information and
9 certain communication, make certain recommendations, and report the results
10 of its study; and generally relating to the Statewide Advisory Commission on
11 Immunizations.

12 BY repealing and reenacting, with amendments,
13 Article – Health – General
14 Section 18–214
15 Annotated Code of Maryland
16 (2009 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Chapter 337 of the Acts of the General Assembly of 2002, as amended by
19 Chapter 200 of the Acts of the General Assembly of 2005, as amended by
20 Chapter 504 of the Acts of the General Assembly of 2007
21 Section 2

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Health – General**
25 18–214.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this section, “vaccine” means a product intended to elicit, in humans,
2 active or passive immunity against an infectious agent or product of an infectious
3 agent.

4 (b) There is a Statewide Advisory Commission on Immunizations.

5 (c) The Commission consists of at least the following members:

6 (1) One physician member of the Medical and Chirurgical Faculty
7 Public Health Council;

8 (2) The chairperson of the Maryland Childhood Immunization
9 Partnership;

10 (3) Two physician members of the Maryland Chapter of the American
11 Academy of Pediatrics with experience in private practice and infectious diseases;

12 (4) One physician member of the Maryland Academy of Family
13 Physicians;

14 (5) One physician member of the American College of Physicians –
15 Internal Medicine Society of Maryland;

16 (6) The executive director of the Maryland Partnership for Prevention;

17 (7) One local health officer;

18 (8) One representative from the Department’s Vaccines for Children
19 Program;

20 (9) One representative of the Maryland school system with knowledge
21 of the immunizations required of children entering schools;

22 (10) The Maryland State Epidemiologist;

23 (11) One representative from a public health consumer advocacy group;

24 (12) One nurse practitioner; [and]

25 (13) One representative from a health insurance carrier; **AND**

26 **(14) ONE CONSUMER.**

27 (d) The Secretary of the Department of Health and Mental Hygiene shall
28 appoint the membership of the Commission, based on the recommendation of the
29 appropriate medical society or agency.

1 (e) The physician member of the Medical and Chirurgical Faculty Public
2 Health Council shall:

3 (1) Chair the Commission;

4 (2) Establish subcommittees to facilitate the work of the Commission;
5 and

6 (3) Appoint subcommittee chairs from among the Commission
7 members.

8 (f) A member of the Commission may not receive compensation but is
9 entitled to reimbursement for expenses under the Standard State Travel Regulations,
10 as provided in the State budget.

11 (g) The Department of Health and Mental Hygiene shall provide the staffing
12 for the Commission.

13 (h) The Commission shall:

14 (1) Determine where community vaccine shortages exist and which
15 vaccines are in short supply;

16 (2) Develop a recommendation for a plan to effectuate the equitable
17 distribution of vaccines; and

18 (3) Study and make recommendations about other related issues as
19 determined by the Commission, including but not limited to:

20 (i) Immunizations required of children entering schools in
21 times of vaccine shortage;

22 (ii) All available options for the purchasing of vaccines,
23 including the development of a Universal Vaccine Purchasing System, or a similar
24 program to increase access to necessary vaccines, for the State;

25 (iii) An update on the status of the use of thimerosal in vaccines,
26 including the availability and affordability of thimerosal-free vaccines, and any other
27 issue related to the use of thimerosal in vaccines that is identified by the Commission;

28 (iv) Elimination of any vaccine distribution disparities;

29 (v) A public education campaign in the event of a vaccine
30 shortage;

31 (vi) The availability and affordability of adult and childhood
32 vaccines; and

1 (vii) Strategies to increase immunizations among those adults
2 and children recommended to receive immunizations, including catch-up
3 immunizations.

4 (i) On or before December 15 of each year, the Commission shall submit a
5 report on its findings and recommendations to the Governor and, in accordance with §
6 2–1246 of the State Government Article, to the Senate Education, Health, and
7 Environmental Affairs Committee and the House Health and Government Operations
8 Committee.

9 **Chapter 337 of the Acts of 2002, as amended by Chapter 200 of the Acts of**
10 **2005, as amended by Chapter 504 of the Acts of 2007**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 June 1, 2002. It shall remain effective for a period of [8] 10 years and, at the end of
13 May 31, [2010] 2012, with no further action required by the General Assembly, this
14 Act shall be abrogated and of no further force and effect.

15 SECTION 2. AND BE IT FURTHER ENACTED, That:

16 (a) The Statewide Advisory Commission on Immunizations shall study the
17 safety of the human papillomavirus (HPV) vaccine.

18 (b) As part of its study, the Commission shall:

19 (1) review the medical literature regarding the safety of the HPV
20 vaccine;

21 (2) review all information available from the federal Centers for
22 Disease Control and Prevention and Food and Drug Administration regarding the
23 safety of the HPV vaccine, including information reported through the Vaccine
24 Adverse Event Reporting System, the Vaccine Safety Datalink Project, and the
25 Clinical Immunization Safety Assessment Network;

26 (3) review the information that health care providers communicate to
27 their patients and family members of patients regarding the benefits and risks of the
28 HPV vaccine; and

29 (4) hold at least two public hearings, advertised to the public, on the
30 safety of the HPV vaccine, during which members of the public each receive a
31 reasonable amount of time to adequately describe their experience with and
32 perspective on the HPV vaccine.

33 (c) (1) Based on its study, the Commission shall determine whether there
34 is a need for better information or better communication of information on the safety
35 of the HPV vaccine.

1 (2) If the Commission determines that there is a need for better
2 information or better communication of information on the safety of the HPV vaccine,
3 the Commission shall make recommendations for meeting the need, such as:

4 (i) continuing education for health care providers;

5 (ii) educational materials for patients and the public; or

6 (iii) actions by regulatory agencies.

7 (d) (1) On or before January 1, 2011, the Commission shall report the
8 findings and recommendations resulting from its HPV vaccine study to the Governor
9 and, in accordance with § 2-1246 of the State Government Article, to the Senate
10 Education, Health, and Environmental Affairs Committee and the House Health and
11 Government Operations Committee.

12 (2) Instead of issuing a separate report on its HPV vaccine study, the
13 Commission may incorporate its HPV vaccine report in the annual report that is due
14 on December 15, 2010.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 June 1, 2010.